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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/258.974 02/26/99 STEEVES

W 065446.0115

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MM92/0523

EXAMINER

KINKEAD, A

ART UNIT

PAPER NUMBER

2817

DATE MAILED:

05/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

29/258,974

Applicant(s)

STEEVES

Examiner

André Kufner

Group Art Unit

2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 25 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 3, 6 - 9, 15, 16, 21 - 23 & 25 is/are rejected.
- ☒ Claim(s) 2, 4, 5, 10 - 14, 17 - 20, & 24 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2 & 3
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other Drawings approved

Office Action Summary

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,6,7,8,9,15,16,21,22,23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al(US 4,955,038 cited by applicant).

The reference by Lee et al discloses a Low Power RF tag/receiver, see figures 2a, and 4a, and col 18, lines 25-col. 20. As shown in figure 2a, a 3 volt Lithium battery(coin) supplies the receiver which as shown in figure 4, is comprised of comparator(420a) which is triggered when the input signal exceeds 10mVpk-pk. The comparators receive(powered by) about 1.5 microAmps(see col. 34, lines 15-20). Cols. 9 and 10, disclose LF and ULF. The method steps being inherent to the apparatus.

3. Claims 1,6,8,9,17,21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharpe et al(US 5,448,242).

The reference by Sharpe et al discloses a Low Power RF tag/receiver, see figures 5, and 19, and col 9, lines 3-5, col. 10, and col. 28.. As shown in figure 5, a comparator(68) receives an input and threshold signal. In col. 9, there is disclosed a distance, about 18 feet, from antenna

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over the roadway. In col. 28, there is also disclosed (VLF and LF) detection. The method steps being inherent to the apparatus.

Allowable Subject Matter

4. Claims 2,4,5,10-14,18-20 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold Kinhead whose telephone number is (703) 30503486. The examiner can normally be reached on Mon to Fri from 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal, can be reached on (703) 308-4909. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Arnold Kinhead

May 17,2000



**ARNOLD KINHEAD
PRIMARY EXAMINER**